

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 241 OF THE HUNTINGTON BEACH
ZONING AND SUBDIVISION ORDINANCE RELATING TO
CONDITIONAL AND TEMPORARY USE PERMITS, VARIANCES;
AND WAIVER OF DEVELOPMENT STANDARDS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 241.02 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

241.02 Procedures Established

This chapter establishes procedures for approval, conditional approval, or disapproval of applications for conditional use permits, and variances, temporary use permits, and waivers of development standards, and neighborhood notification.

- A. Conditional use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.
- B. Variances may be granted to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.
- C. Temporary use permits may be granted for temporary use classifications and for other uses of a temporary nature.
- D. Waivers of certain development standards may be granted to improve project design, subject to limitations.
- E. Neighborhood Notification is a procedure that shall notify property owners and tenants within a 300 foot radius when no entitlement is required.

SECTION 2. Section 241.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

241.04 Authority of Planning Commission and Zoning Administrator

The Planning Commission or the Zoning Administrator, as the case may be, shall approve or conditionally approve applications for conditional use permits or variances upon finding that the proposed conditional use permit or variance is consistent with the General Plan, and all applicable requirements of the Municipal Code, consistent with the requirements of Section 241.10. The

*Approved for Introduction
as amended on 4/18/05*

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Planning Commission shall act on all variances except the Zoning Administrator may act on variances not exceeding twenty percent deviation from site coverage, separation between buildings, height, setback, parking, and landscape requirements. (3334-6/97, 3410-3/99)

SECTION 3. Section 241.20, subsections B and C of the Huntington Beach Zoning and Subdivision Ordinance are hereby amended to read as follows:

241.20 Temporary Use Permits

- B. Director. The Director shall act on temporary uses held for four or fewer consecutive days that do not include live entertainment. The Director shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required for uses which are held for 4 or fewer consecutive days. Such uses shall be approved with a temporary activity permit. (3528B-2/02)
- C. Duties of the Zoning Administrator. The Zoning Administrator shall act on temporary uses held for more than four days or that include live entertainment. The Zoning Administrator shall approve, approve with conditions, or deny a complete application within a reasonable time. (3528B-2/02)

SECTION 4. Section 241.22, subsection D, of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

241.22 Waiver of Development Standards

- D. Limitations. A waiver may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or density. Also, projects not otherwise subject to discretionary review (i.e., conditional use permit, variance, coastal development permit, or subdivision approval) may not apply for waiver

SECTION 5. Section 241.24 is hereby added to the Huntington Beach Zoning and Subdivision Ordinance, said section to read as follows:

241.24 Neighborhood Notification

When no entitlement is required and the use requires such notification as stated in the Zoning and Subdivision Ordinance or Downtown Specific Plan, the review and approval process shall include an Administrative Permit and notification to property owners and tenants within a 300 foot radius of the subject property.

Notification requirements are as follows:

- A. Notification. Ten (10) working days prior to submittal for a building permit or certificate of occupancy or approval for initial establishment of the use, the applicant shall notice property owners and tenants by first class mail.
- B. Notice of Application shall include the following:

1. Name of applicant.
2. Location of planned development or use, including address. (map is optional)

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3. Complete description of the proposed development or use such that there is full disclosure in the notice.
4. Planning Department phone number and address of City Hall where plans may be reviewed.
5. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
6. Planning Department shall receive entire list including name and address of those receiving the mailing.

C. Notice of Action. The Director's decision shall be made in writing with information regarding the appeal process and sent to the applicant and the City Council.

D. Appeals. The Director's decision may be appealed in accord with Chapter 248.

SECTION 6. All other provisions of Chapter 241 not modified herein shall remain in full force and effect.

SECTION 7. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Francis McGee
4/20/05 City Attorney VHM 4/21/05

REVIEWED AND APPROVED:

Penelope Culbertson
City Administrator

INITIATED AND APPROVED:

[Signature]
Director of Planning

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241.22 Waiver of Development Standards

- A. Standards Which Can be Waived. The Director may waive development standards for setbacks, open space, separation between buildings, height of buildings or fences, site coverage and landscaping without a conditional use permit or a variance, only if he finds that such a waiver improves project design and does not exceed 10 percent deviation. No other standards shall be subject to this waiver provision. (3528B-2/02)
- B. Time Limit. A waiver shall become null and void six months after date of approval.
- C. Extensions. A waiver shall not be extended for more than one year unless the applicant demonstrates that no circumstances relevant to the approval of the waiver, including other development in the neighborhood, have changed from the time of approval.
- D. Limitations. A waiver may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or to height or density. Also, projects not otherwise subject to discretionary review (i.e., conditional use permit, variance, coastal development permit, or subdivision approval) may not apply for waiver.
- E. Decisions and Appeals. The Director's decision may be appealed in accord with Chapter 248. The Director's decision shall be distributed to the City Council, Planning Commission, and Zoning Administrator within 48 hours of such decision.

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- B. Notice of Application shall include the following:.
 - 1. Name of applicant.
 - 2. Location of planned development or use, including address. (map is optional)
 - 3. Complete description of the proposed development or use such that there is full disclosure in the notice.
 - 4. Planning Department phone number and address of City Hall where plans may be reviewed.

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5. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
 6. Planning Department shall receive entire list including name and address of those receiving the mailing.
- C. Notice of Action. The Director's decision shall be made in writing with information regarding the appeal process and sent to the applicant and the City Council.
- D. Appeals. The Director's decision may be appealed in accord with Chapter 248.

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